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December 30, 1993

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20036

RE: In the Matter of Amendment of the Commission's Rules to Establish New Personal  
Communication Services, GEN Docket No. 90-314

Dear Mr. Caton:

Attached are the original and four copies of the Opposition to Petitions for  
Reconsideration of Sprint Corporation in the matter referenced above.

Sincerely,

Jay C. Keithley  
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Law and External Affairs

Attachment

JCK/mlm

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION** FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554 OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of the Commission's ) GEN Docket No. 90-314  
Rules to Establish New Personal ) RM-7140, RM-7175, RM-7618  
Communication Services )

**OPPOSITION TO PETITIONS FOR RECONSIDERATION**

Sprint Corporation ("Sprint") on behalf of Sprint Communications Company, L.P.; Sprint Cellular Company and the United and Central Telephone companies, hereby respectfully opposes the Petitions for Reconsideration filed by AMSC Subsidiary Corporation ("AMSC"); Association of Public-Safety Communications Officials--International, Inc. ("APCO"); Comcast Corporation ("Comcast"); COMSAT Corporation ("COMSAT"); MCI Telecommunications Corporation ("MCI"); Time Warner Telecommunications ("Time Warner"); TRW Inc. ("TRW"); and Utilities Telecommunications Council ("UTC").

**I. MCI'S ATTEMPT TO LIMIT PCS COMPETITION  
MUST BE REJECTED**

MCI proposes that the largest nine cellular carriers be excluded from bidding on one of the 30 MHz bands.<sup>1</sup> This request and its supporting material are a restatement of MCI's position presented in its Comments filed November 10, 1993 in the PCS

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1. MCI Petition for Partial Reconsideration and Clarification at 2-5.

Bidding NPRM.<sup>2</sup> Sprint strongly opposed MCI's proposal in its reply comments in that proceeding.<sup>3</sup>

MCI seeks to restrain bidding competition for one of the PCS 30 MHz bands by excluding a majority of the major telecommunications companies against which it might otherwise compete. This unwarranted proposed exclusion would affect Ameritech, AT&T/McCaw, Bell Atlantic, BellSouth, NYNEX, GTE, PacTel, Southwestern Bell, and Sprint and their subsidiaries and affiliates. Clearly, MCI seeks to shelter its bids on one 30 MHz PCS band from competition by those telecommunications companies most likely to provide rival bids.

MCI supports its totally unreasonable proposal with claims that the proposed exclusion is fair because cellular carriers received spectrum for "free."<sup>4</sup> While this is true of original licensees, many current license holders paid full value for their spectrum in the aftermarket. In part, the decision to license PCS spectrum by competitive bidding was made to ensure that this aftermarket profit would go to the government rather than to speculators.

MCI also claims that because cellular carriers need not obtain license renewals through an auction system, cellular

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2. In the Matter of Implementation of Section 309(j) of the Communications Act Competitive Bidding, PP Docket No. 93-253 released October 12, 1993 ("PCS Bidding NPRM").

3. Reply Comments of Sprint Corporation, PP Docket No. 93-253, filed November 30, 1993 at 8-11.

4. MCI at 3.

service has an advantage over PCS.<sup>5</sup> This argument has no merit. Neither PCS nor cellular renewals will be auctioned. Thus, on a renewal basis, no cellular advantage exists. Further, as explained above, much of the cellular spectrum was not free, because it was acquired for full value in the aftermarket. Thus, no cellular advantage exists, particularly since the cost of acquiring cellular spectrum is a "sunk" cost which will have no impact upon PCS competitiveness.

MCI also suggests that existing cellular carriers might choose not to compete with one another if one offers PCS in a territory where another offers cellular. While a duopoly exists in cellular, the suggestion that the companies that are affiliates of cellular companies will not compete with one another across markets is not supported by the facts. One need look no further than AT&T/McCaw competing with Sprint, US West/Time Warner competing with the other RBOCs, Southwestern Bell/Media General/Cox competing with the other RBOCs, Bell Atlantic/TCI competing with the other RBOCs, and BellSouth competing through Prime Cable to determine that actual or announced competition is a reality. The MCI claim that the owners of cellular companies will not compete with one another is meritless.

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5. Id.

MCI's proposal to create a private reserve where it may acquire 30 MHz of PCS spectrum without competition from other major telecommunications companies must be rejected.

**II. THE OVERALL PCS SPECTRUM ALLOCATION  
SHOULD NOT BE DECREASED; NOR  
SHOULD LICENSE SIZE BE  
INCREASED TO 40 MHz**

**A. Time Warner's Suggestion That Individual Licenses Be Increased to 40 MHz Should Be Rejected**

Time Warner asks the Commission to reconsider the amount of spectrum allocated to each license and "to modify its rules and grant each PCS licensee a minimum of 40 MHz or to more realistically permit licensees to accumulate 40 MHz spectrum blocks."<sup>6</sup> This proposal that initial licenses be granted 40 MHz of spectrum must be rejected.

Sprint does not oppose the ability of licensees to accumulate up to 40 MHz through acquisition of multiple licenses.<sup>7</sup> However, initial grant of only three 40 MHz licenses would result in too much initial concentration and would hamper the ability of preference groups to play a meaningful role in PCS. Further, Sprint does not believe that 40 MHz is needed to provide PCS service on a timely basis.

Sprint believes, after additional study and review, that a viable full-service PCS offering may be made with as little as 20

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6. Time Warner at 2.

7. Sprint believes that cellular carriers should be able to obtain up to 45 MHz, including their existing cellular spectrum.

MHz of spectrum. Thus, Sprint believes that the proposals by Bell Atlantic and BellSouth,<sup>8</sup> that six 20 MHz licenses be created, have merit. Additional support for this allocation scheme is provided by Point Communications and CTIA.<sup>9</sup> If the Commission reconsiders license sizes, the six 20 MHz license format is the one that should be adopted.

**B. Commercial PCS Spectrum Must Not Be Reduced to Allocate More to Satellite Service or Private Service**

AMSC, COMSAT, and TRW ask the Commission to reduce PCS spectrum allocation so that more spectrum in the 2 GHz band is available for satellite service.<sup>10</sup> APCO and UTC seek to have commercial PCS licenses diverted to private use.<sup>11</sup> Sprint opposes each of these proposals to reduce the amount of spectrum available for commercial PCS licenses because the competitiveness and ultimate viability of PCS service would be compromised if less spectrum were available. Further, private users are free to use commercial PCS offerings which may be customized to meet their

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8. Bell Atlantic at 10-13 and BellSouth at 17-20.

9. CTIA at 3-8. CTIA suggests four 20 MHz and four 10 MHz licenses. Sprint believes 10 MHz as a stand alone license may be too small an amount of spectrum for a viable PCS service.

Point Communications at 2-3. Sprint does not support a spectrum set aside. Rather, it supports bidding preferences such as bidding credits and favorable payment terms. See Sprint Corporation Comments, PP Docket No. 93-253, filed November 10, 1993 at 7-15.

10.

11. APCO at 3-5 and UTC at 2-5.

needs. Thus, no need exists to allocate PCS spectrum for private use which, as an additional detriment, would not provide auction revenue to the government.

Sprint believes that 120 MHz of PCS spectrum is appropriately allocated to broadband commercial PCS. Further, Sprint believes that sufficient satellite spectrum is available for use by satellite companies. Sprint asserts that the Commission should not reconsider its decision to allocate 120 MHz to commercial PCS licenses.

**III. PCS INTERCONNECTION WITH LOCAL NETWORKS IS NOT PROPERLY CONSIDERED IN THIS PROCEEDING**

Comcast proposes that the Commission establish interconnection principles for the connection of PCS networks to the public switched network. Comcast further claims that LECs have discriminated against cellular carriers in interconnection matters and suggests that discrimination will occur in PCS interconnection.<sup>12</sup>

Sprint asserts that the Commission should not grant Comcast's reconsideration proposal. The Commission has not received evidence in this proceeding on PCS interconnection proposals. Further, cellular interconnection is functioning well under current Commission guidelines and no evidence of discrimination has been presented either recently or in this proceeding. Finally, Comcast has ample opportunity to address this issue in the Mobile

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12. Comcast at 20-21.

Services Regulatory Parity NPRM proceeding where interconnection terms will be addressed.<sup>13</sup> Because no evidence is available to support the Comcast claim, it must be rejected.

#### IV. CONCLUSION

The Commission must reject the MCI plan to foreclose bidding competition on one 30 MHz PCS license by excluding the nine largest cellular carriers. Time Warner's suggestion that 40 MHz licenses should be created must be rejected because of the license concentration that would occur and the lack of proven need for that much spectrum. PCS spectrum must not be reallocated to private use or satellite use. Finally, PCS interconnection

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13. See In the Matter of Implementation of Sections 3(n) and 332 of the Communications Act Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Notice of Proposed Rulemaking, released October 8, 1993 ("Mobile Service Regulatory Parity NPRM") at paras. 69-75.



matters should not be addressed in this proceeding because of a lack of evidence concerning the interconnection issue.

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December 30, 1993

## **CERTIFICATE OF SERVICE**

I, Melinda L. Mills, hereby certify that I have on this 30th day of December, 1993, sent via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing "Opposition to Petitions for Reconsideration" of Sprint Corporation in the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, GEN Docket No. 90-314, filed this date with the Acting Secretary, Federal Communications Commission, to the persons listed on the attached service list.

  
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